

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

M. WILLIAM POTTS, III
Plaintiff(s)

v.

CIVIL ACTION NO. 04-40068-GAO

DAVID L. WINN
Defendant(s)

JUDGMENT IN A CIVIL CASE

O'TOOLE, D.J.

G **Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **Decision by the Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Pursuant to the court's order of 11/9/04, by the declaration of Patrick W. Ward, the respondent has represented to the Court that, consistent with the decision in *Goldings v Winn*, 383 F.3d 17 (1st Cir. 2004), the petitioner is currently be evaluated for community corrections center placement without regard to the 10% policy adopted in December 2002 but invalidated by *Goldings*. To the extent that this relief now being voluntarily provided was sought by the petition, the petition is moot. To the extent the petition sought further relief- in particular, an order directing the respondent to place the petitioner in a community corrections center for the last six months of his sentence- the petition is denied.

TONY ANASTAS,
CLERK OF COURT

Dated: 11/9/04

By Paul S. Lyness
Deputy Clerk

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Deputy Clerk

(Judgment Civil.wpd - 11/98)

[jgm.]

(Judgment Civil.wpd - 11/98)

[jgm.]

(Judgment Civil.wpd - 11/98)

[jgm.]